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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,305	07/09/2001	Wayne Anderson	P-14 (n) CIP / CONT	8578
28752	7590	06/08/2005	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			MEISLIN, DEBRA S	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

38

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/901,305	ANDERSON ET AL.
	Examiner	Art Unit
	Debra S Meislin	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 December 1899.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 92,95 and 107-116 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 92,95 and 107-116 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

1. Claims 107-108 and 111 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 107 and 111, "the second handle is not" is not understood. Note that the sleeve has been previously defined as being pivoted to the first handle and movable into the first handle in a stored position. Consequently, a recitation directed to the second handle is not understood.

In claim 108, "said pliers jaws being non-pivottally connected to said handles" is misdescriptive since a pliers jaw is pivotally connected to one of the handles and the other pliers jaw is pivotally connected to the other one of the handles. Note that the drawings disclose a first handle fixedly connected to a first jaw and a second handle fixedly connected to a second jaw, wherein the first handle and jaw is pivotally connected to the second handle and jaw.

2. Claims 113 and 114 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The first and second handles having different lengths appears to constitute new matter unsupported by the original disclosure. Applicant must cancel claims 113 and 114 or point out where in the original disclosure such a limitation exists.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 92, 95, 107-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Beran (2,980,996), Park (5,280,659) and Dahlquist or Esquire.

Figure 17 of Harrison et al discloses all of the claimed subject matter except for a closed-ended sleeve being non-removably connected to the handle, the sleeve being pivotable to an inoperative position between the handle sides, the bit in the sleeve being stored in the handle, the bit being double-ended, and the handles being asymmetrical. Beran discloses a sleeve (36 or 51) having a closed end formed as a flat wall non-removably connected to the handle and being pivotable to an inoperative position between the handle sides. It would have been obvious to one having ordinary skill in the art to form the sleeve of Harrison et al with a closed end formed as a flat wall non-removably connected to the handle and being pivotable to an inoperative position between the handle sides to store the sleeve out of the way and such it may be readily available for use in a single device as taught by Beran. Note column 1, lines 28-36 and column 4, lines 37-47 which state the following:

It is accordingly a particular object of the present invention to provide in one unit or one device a combination of different tools or implements which are associated with one another so that they may be readily selected for use but wherein the various tools or implements are also so assembled or connected together that when one is in use the others are covered or shielded and are out of the way and will not interfere with or hamper the user. 30 85

From the foregoing it will be seen that there is provided by the present invention a combination tool of new and novel construction which provides in addition to 40 the several cutting implements which are pivoted to be closed in the slots of the body, the novel handle body side plates in the form of rasps or cutting implements, and the novel pivoted adapters which facilitate the easy removal and replacement of the cutting implements and 45 which when attached to the cutting implements form an integral part thereof to be closed with the implements in the receiving slots.

Beran further discloses tool implements (42 or 56) within the sleeves (36 or 51) for storage within the handle. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al such that the tool implement and sleeve thereof are stored within the handle to allow for the storage of the tool implement within the handle for storage out of the way and such it may be readily available for use in a single device as taught by Beran. Note column 1, lines 28-36 and column 4, lines 37-47, above.

Park discloses a double-ended tool bit (33). It would have been obvious to one having ordinary skill in the art to form the bit of Harrison et al as double-ended to allow for added versatility to improve efficiency as taught by Park. See figure 5 of Park and column 1, lines 5-42 which state the following:

The present invention relates to a manual tool, and more particularly to a multipurpose manual tool which used in many kinds of works so as to improve the operation efficiency. 5

Manual tools are generally used in pounding, stripping a covering, fixing, cutting or turning a work material and the like. 10

A hammer is used as a pounding tool. A nipper and scissors are used as stripping and cutting tools. A vice is used as a fixing tool. Plier, wrench and screwdriver are used as turning tools. 15

These tools are selectively used according to the kinds of works, and have been manufactured individually. 15

Thus, in case of using a certain tool, if all of the above tools are not prepared, the work can not be performed 20 or can not help being delayed.

Furthermore, it is difficult to carry all of them in one keeping box due to the weight of the tools and also it is easy to lose them during keeping or using. 25

In addition, it is not easy to prepare all of these tools owing to the economic burden. 25

#### SUMMARY OF THE INVENTION

An object of the present invention is to provide a multipurpose tool which performs various kinds of 30 works conveniently and quickly, and which is easy to keep and carry.

Another object of the present invention is to provide a multipurpose tool which is inexpensive and thus can be used as a house hold tool. 35

According to the present invention, the multipurpose tool comprises a pair of movable members having handle sections at one end thereof and working edges which are crisscross with each other and being hinged together by a pin, and four working stations having the 40 working edges, the working edges being folded or unfolded about the pivot pin.

Dahlquist or Esquire disclose asymmetrical handles including a first storage handle having a larger cross-dimension than the second handle. The first handle pivotally receives tools and the second handle does not receive any tools. The first and second handles with jaws attached thereto are pivotally attached with a single pivot. It would have been obvious to one having ordinary skill in the art to form the device of

Harrison et al with asymmetrical handles pivoted to each other with tools attached to one of the handles to provide a slim, economized tool as taught by Dahlquist or Esquire.

5. Claims 112-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Beran (2,980,996), and Dahlquist or Esquire.

Figure 17 of Harrison et al discloses all of the claimed subject matter except for a closed-ended sleeve being non-removably connected to the handle, the sleeve being pivotable to an inoperative position between the handle sides, the bit in the sleeve being stored in the handle, and the handles being asymmetrical with one being longer than the other. Beran discloses a sleeve (36 or 51) having a closed end formed as a flat wall non-removably connected to the handle and being pivotable to an inoperative position between the handle sides. It would have been obvious to one having ordinary skill in the art to form the sleeve of Harrison et al with a closed end formed as a flat wall non-removably connected to the handle and being pivotable to an inoperative position between the handle sides to store the sleeve out of the way and such it may be readily available for use in a single device as taught by Beran. Note column 1, lines 28-36 and column 4, lines 37-47.

Beran further discloses tool implements (42 or 56) within the sleeves (36 or 51) for storage within the handle. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al such that the tool implement and sleeve thereof are stored within the handle to allow for the storage of the tool implement within the handle for storage out of the way and such it may be readily available for use in a

single device as taught by Beran. Note column 1, lines 28-36 and column 4, lines 37-47.

Dahlquist discloses asymmetrical handles including a first storage handle having a larger cross-dimension than the second handle and having differing lengths. The first handle pivotally receives tools and the second handle does not receive any tools. The first and second handles with jaws attached thereto are pivotally attached with a single pivot. The device further includes a lock. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with asymmetrical handles pivoted to each other with tools attached to one of the handles to provide a slim, economized tool as taught by Dahlquist. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with a lock to prevent the jaws from moving as taught by Dahlquist.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Applicant's remarks filed March 24, 2005 have been fully considered but they are not persuasive. The claims read on the applied references as discussed above.

As discussed, above, it would have been obvious to one having ordinary skill in the art to form the sleeve of Harrison et al with a closed end formed as a flat wall non-removably connected to the handle and **being pivotable to an inoperative position between the handle sides to store the sleeve out of the way and such it may be readily available for use in a single device as taught by Beran.** Note column 1, lines 28-36 and column 4, lines 37-47 which state the following:

It is accordingly a particular object of the present invention to provide in one unit or one device a combination of different tools or implements which are associated with one another so that they may be readily selected for use but wherein the various tools or implements are also so assembled or connected together that when one is in use the others are covered or shielded and are out of the way and will not interfere with or hamper the user. 30  
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From the foregoing it will be seen that there is provided by the present invention a combination tool of new and novel construction which provides in addition to the several cutting implements which are pivoted to be closed in the slots of the body, the novel handle body side plates in the form of rasps or cutting implements, and the novel pivoted adapters which facilitate the easy removal and replacement of the cutting implements and which when attached to the cutting implements form an integral part thereof to be closed with the implements in the receiving slots. 40  
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Beran further discloses tool implements (42 or 56) within the sleeves (36 or 51) for storage within the handle. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al **such that the tool implement and sleeve thereof are stored within the handle to allow for the storage of the tool implement within the handle for storage out of the way and such it may be readily available**

**for use in a single device as taught by Beran.** Note column 1, lines 28-36 and column 4, lines 37-47, above.

Dahlquist discloses asymmetrical handles having differing lengths.

In response to applicant's argument that Beran is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Beran is in the field of applicant's endeavor (multiple tool construction and handle storage) and is reasonably pertinent to the particular problem with which the applicant was concerned (handle construction and tool storage within a sleeve within a handle).

Beran discloses a sleeve pivotally connected to a handle which relates to Harrison's sleeve which is pivotally removably connected to the handle.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin  
Primary Examiner  
Art Unit 3723

June 6, 2005